

AMENDED IN ASSEMBLY SEPTEMBER 2, 2003

AMENDED IN ASSEMBLY MARCH 26, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 242**

**Introduced by Assembly Member Liu**  
(Principal coauthor: Senator Alpert)

January 30, 2003

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An act to add Sections 44225.1, 44227.8, 44830.4, and 45062 to, to add Chapter 1.5 (commencing with Section 99050) to Part 65 of, and to add and repeal Sections 44304 and 44308.5 of, the Education Code, ~~and to amend Section 3543.2 of, and to add Section 3543.9 to, the Government Code,~~ relating to teachers.

### LEGISLATIVE COUNSEL'S DIGEST

AB 242, as amended, Liu. Teachers.

(1) Existing law authorizes the Commission on Teacher Credentialing to review and grant requests for the waiver of one or more of the provisions governing teacher credentialing, as specified.

This bill would prohibit the Commission on Teacher Credentialing after July 1, 2009, from granting a waiver authorizing a teacher to be assigned to a teaching position outside of the authorization specified on the credential held by the teacher.

(2) Existing law requires the Commission on Teacher Credentialing to adopt a framework and general standards for the accreditation of preparation programs for teachers and other certificated educators.

This bill would require the Commission on Teacher Credentialing and, where appropriate, the State Department of Education, to require

programs of teacher preparation, induction, and professional development and teacher preparation activities to focus on teaching children with diverse needs, ethnicities, nationalities, and languages, on teaching children who bring particular challenges to the learning process, and on teaching in urban settings.

(3) Existing law authorizes the Commission on Teacher Credentialing to issue and renew emergency teaching or specialist permits.

This bill would repeal this authority as of January 1, 2005.

(4) Existing law establishes the California Pre-Internship Teaching Program.

This bill would repeal the program on January 1, 2010.

(5) Existing law requires the governing board of a school district to employ for positions requiring certification qualifications only persons who possess the qualifications prescribed by law for those positions.

This bill would phase out the employment of teachers holding emergency permits or preintern certificates, as specified, thereby imposing a state-mandated local program.

(6) Existing law requires that a person employed in a position requiring certification qualifications be classified on a salary schedule on the basis or uniform allowance for years of training and years of experience, as specified.

This bill would impose a state-mandated local program by requiring the governing board of a school district to review its compensation policies and revise them as needed to ensure that the continuing professional education for which it grants salary credit is targeted to courses likely to yield clear benefit in terms of the pedagogical instructional leadership, management skills, or academic subject matter knowledge of its employees.

(7) Existing law establishes the various segments of the public higher education system in the state. Under existing law these segments include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges.

This bill would express legislative intent with respect to professional preparation for educators and child care personnel.

The bill would require the board of governors and the trustees, and would request the regents, to adopt policies regarding the appropriate



balance of temporary and ~~permanent—tenure-track~~ *permanent/tenure-track* faculty for their respective systems and to report these respective policies, and the rationales therefor, in written reports to the Legislature, to be submitted no later than January 1, 2005.

The bill would require the board of governors and the trustees, and would request the regents, to submit an annual report to the Legislature setting forth the ratio of permanent/tenure-track faculty to temporary faculty who are employed by their respective systems and how this ratio compares to their respective systemwide policies.

The bill would require the board of governors and the trustees, and would request the regents, to submit, no later than January 1, 2005, a report to the Legislature on the activities reserved for permanent/tenure-track faculty in their respective systems and the reasons why temporary faculty cannot be enlisted in carrying out these activities.

The bill would express the intent of the Legislature that the board of governors, trustees, and the regents provide adequate pro rata compensation to temporary faculty who agree to perform functions usually restricted to permanent/tenure-track faculty and direct an examination of faculty promotion, tenure, and review policies and practices, and revise them, as needed, to ensure that teaching excellence is given significant weight in decisions that affect the compensation awarded to faculty.

~~(8) Existing law includes health and welfare benefits, as defined, within the scope of representation about which a public school employer and employee organizations are required to meet and confer.~~

~~This bill would exclude health and welfare benefits, as defined, from the scope of representation, require the Department of Personnel Administration to meet and confer with statewide public school employee organizations to establish uniform health and welfare benefits for all public school employees, and require a public school employer to provide its public school employees the uniform health and welfare benefits established by the Department of Personnel Administration and statewide public school employee organizations.~~

~~(9) This bill would state the intent of the Legislature to establish professional development activities for teachers that reward exceptional teachers for continuing to render service in a classroom.~~

~~(10)–~~



(9) This bill would express the intent of the Legislature to establish preparatory and professional developmental programs for educational leaders, and recruit and retain highly qualified educational leaders.

~~(11)~~

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 44225.1 is added to the Education Code,  
2 to read:

3 44225.1. Notwithstanding subdivision (m) of Section 44225,  
4 after July 1, 2009, the Commission on Teacher Credentialing may  
5 not grant a waiver authorizing a teacher to be assigned to a teaching  
6 position outside of the authorization specified on the credential  
7 held by the teacher.

8 SEC. 2. Section 44227.8 is added to the Education Code, to  
9 read:

10 44227.8. The Commission on Teacher Credentialing and,  
11 where appropriate, the State Department of Education, shall  
12 require that programs of teacher preparation, induction, and  
13 professional development and teacher preparation activities focus  
14 on teaching children with diverse needs, ethnicities, nationalities,  
15 and languages, on teaching children who bring particular  
16 challenges to the learning process, and on teaching in urban  
17 settings.

18 SEC. 3. Section 44304 is added to Article 5.5 (commencing  
19 with Section 44300) of Chapter 2 of Part 25 of the Education Code,  
20 to read:



1 44304. This article shall become inoperative on July 1, 2004,  
2 and, as of January 1, 2005, is repealed, unless a later enacted  
3 statute, that becomes operative on or before January 1, 2005,  
4 deletes or extends the dates on which it becomes inoperative and  
5 is repealed.

6 SEC. 4. Section 44308.5 is added to Article 5.6 (commencing  
7 with Section 44305) of Chapter 2 of Part 25 of the Education Code,  
8 to read:

9 44308.5. This ~~section~~ *article* shall become inoperative on July  
10 1, 2009, and, as of January 1, 2010, is repealed, unless a later  
11 enacted statute, that becomes operative on or before January 1,  
12 2010, deletes or extends the dates on which it becomes inoperative  
13 and is repealed.

14 SEC. 5. Section 44830.4 is added to the Education Code, to  
15 read:

16 44830.4. (a) Commencing with the 2004–05 fiscal year, a  
17 school district may not employ for a teaching position a person  
18 who holds an emergency permit. Commencing with the 2004–05  
19 fiscal year, if a school district employs for a teaching position a  
20 person who does not hold a valid teaching credential, that person  
21 shall participate in a preintern teaching program.

22 (b) Commencing with the 2006–07 fiscal year, a school district  
23 may not employ for a teaching position in a school ranked in the  
24 bottom 3 deciles of the Academic Performance Index a person who  
25 holds a preintern certificate. Commencing with the 2006–07 fiscal  
26 year, a school district may employ for a teaching position in a  
27 school ranked in the bottom 3 deciles of the Academic  
28 Performance Index only persons who hold a valid teaching  
29 credential that authorizes the holder to be assigned independent  
30 responsibility for teaching in a classroom.

31 (c) Commencing with the 2009–10 fiscal year, a school district  
32 may not employ for a teaching position a person who holds a  
33 preintern certificate. Commencing with the 2009–10 fiscal year,  
34 a school district may employ for a teaching position only persons  
35 who hold a valid teaching credential that authorizes the holder to  
36 be assigned independent responsibility for teaching in a  
37 classroom.

38 (d) It is the intent of the Legislature to eliminate waivers  
39 authorizing the assignment of a credential holder to a position not  
40 authorized by the credential of the holder. It is further the intent of

1 the Legislature that each teacher serving in a school ranked in the  
2 bottom 3 deciles of the Academic Performance Index possess a  
3 valid teaching credential authorizing the holder to provide the  
4 service to which the holder is assigned.

5 SEC. 6. Section 45062 is added to the Education Code, to  
6 read:

7 45062. The governing board of a school district shall review  
8 its compensation policies and revise them as needed to ensure that  
9 the continuing professional education for which it grants salary  
10 credit is targeted to courses likely to yield clear benefit in terms of  
11 the pedagogical instructional leadership, management skills, or  
12 academic subject matter knowledge of its employees.

13 SEC. 7. Chapter 1.5 (commencing with Section 99050) is  
14 added to Part 65 of the Education Code, to read:

15  
16 CHAPTER 1.5. MASTER PLAN FOR EDUCATION: HIGHER  
17 EDUCATION PROVISIONS  
18

19 Article 1. Professional Preparation for Educators and Child  
20 Care Personnel  
21

22 99050. It is the intent of the Legislature that the state increase  
23 the capacity of California's postsecondary education system to  
24 prepare larger and more sufficient numbers of qualified educators,  
25 especially from among racial, ethnic, and linguistic groups, and  
26 the gender group, that are underrepresented in today's teaching  
27 workforce, for our public schools and preschools, particularly in  
28 regions where there are large numbers of teachers serving on  
29 emergency permits or where projected shortages of teachers are  
30 greatest.

31 99050.3. It is the intent of the Legislature that the state  
32 accomplish both of the following:

33 (a) Adopt a minimum standard and more rigorous education  
34 requirements and certification standards for all individuals who  
35 teach young children in center-based settings or who supervise  
36 others who care for young children.

37 (b) Immediately require a minimum program of  
38 state-approved professional development for all publicly funded  
39 providers of care to young children.  
40

Article 2. Faculty in Public Postsecondary Institutions

99053. The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California are requested to, accomplish both of the following:

(a) Adopt policies regarding the appropriate balance of temporary and ~~permanent-tenure-track~~ *permanent/tenure-track* faculty for their respective systems.

(b) Report these respective policies, and the rationales therefor, in written reports to the Legislature, to be submitted no later than January 1, 2005.

99053.3. The Board of ~~Directors~~ *Governors* of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California are requested to, submit an annual report to the Legislature setting forth the ratio of permanent/tenure-track faculty to temporary faculty who are employed by their respective systems and how this ratio compares to their respective systemwide policies.

99053.5. (a) No later than January 1, 2005, the Board of ~~Directors~~ *Governors* of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California are requested to, submit a report to the Legislature on the activities reserved for permanent/tenure-track faculty in their respective systems and the reasons why temporary faculty cannot be enlisted in carrying out these activities.

(b) It is the intent of the Legislature that the Board of ~~Directors~~ *Governors* of the California Community Colleges, the Trustees of the California State University, and the Regents of the University of California should provide adequate pro rata compensation to temporary faculty who agree to perform functions usually restricted to permanent/tenure-track faculty.

99053.7. It is the intent of the Legislature that the Board of ~~Directors~~ *Governors* of the California Community Colleges, the Trustees of the California State University, and the Regents of the University of California should direct an examination of faculty promotion, tenure, and review policies and practices, and revise them, as needed, to ensure that teaching excellence is given



1 significant weight in decisions that affect the compensation  
2 awarded to faculty.

3 ~~SEC. 8. Section 3543.2 of the Government Code is amended~~  
4 ~~to read:~~

5 ~~3543.2. (a) The scope of representation shall be limited to~~  
6 ~~matters relating to wages, hours of employment, and other terms~~  
7 ~~and conditions of employment. "Terms and conditions of~~  
8 ~~employment" mean leave, transfer and reassignment policies,~~  
9 ~~safety conditions of employment, class size, procedures to be used~~  
10 ~~for the evaluation of employees, organizational security pursuant~~  
11 ~~to Section 3546, procedures for processing grievances pursuant to~~  
12 ~~Sections 3548.5, 3548.6, 3548.7, and 3548.8, the layoff of~~  
13 ~~probationary certificated school district employees, pursuant to~~  
14 ~~Section 44959.5 of the Education Code, and alternative~~  
15 ~~compensation or benefits for employees adversely affected by~~  
16 ~~pension limitations pursuant to Section 22316 of the Education~~  
17 ~~Code, to the extent deemed reasonable and without violating the~~  
18 ~~intent and purposes of Section 415 of the Internal Revenue Code.~~  
19 ~~In addition, the exclusive representative of certificated personnel~~  
20 ~~has the right to consult on the definition of educational objectives,~~  
21 ~~the determination of the content of courses and curriculum, and the~~  
22 ~~selection of textbooks to the extent these matters are within the~~  
23 ~~discretion of the public school employer under the law. All matters~~  
24 ~~not specifically enumerated are reserved to the public school~~  
25 ~~employer and may not be a subject of meeting and negotiating,~~  
26 ~~provided that nothing herein may be construed to limit the right of~~  
27 ~~the public school employer to consult with any employees or~~  
28 ~~employee organization on any matter outside the scope of~~  
29 ~~representation.~~

30 ~~(b) Notwithstanding Section 44944 of the Education Code, the~~  
31 ~~public school employer and the exclusive representative shall,~~  
32 ~~upon request of either party, meet and negotiate regarding causes~~  
33 ~~and procedures for disciplinary action, other than dismissal,~~  
34 ~~including a suspension of pay for up to 15 days, affecting~~  
35 ~~certificated employees. If the public school employer and the~~  
36 ~~exclusive representative do not reach mutual agreement, then the~~  
37 ~~provisions of Section 44944 of the Education Code shall apply.~~

38 ~~(c) Notwithstanding Section 44955 of the Education Code, the~~  
39 ~~public school employer and the exclusive representative shall,~~  
40 ~~upon request of either party, meet and negotiate regarding~~



1 ~~procedures and criteria for the layoff of certificated employees for~~  
2 ~~lack of funds. If the public school employer and the exclusive~~  
3 ~~representative do not reach mutual agreement, then the provisions~~  
4 ~~of Section 44955 of the Education Code shall apply.~~

5 ~~(d) Notwithstanding Section 45028 of the Education Code, the~~  
6 ~~public school employer and the exclusive representative shall,~~  
7 ~~upon request of either party, meet and negotiate regarding the~~  
8 ~~payment of additional compensation based upon criteria other than~~  
9 ~~years of training and years of experience. If the public school~~  
10 ~~employer and the exclusive representative do not reach mutual~~  
11 ~~agreement, then the provisions of Section 45028 of the Education~~  
12 ~~Code shall apply.~~

13 ~~(e) Pursuant to Section 45028 of the Education Code, the~~  
14 ~~public school employer and the exclusive representative shall,~~  
15 ~~upon the request of either party, meet and negotiate a salary~~  
16 ~~schedule based on criteria other than a uniform allowance for years~~  
17 ~~of training and years of experience. If the public school employer~~  
18 ~~and the exclusive representative do not reach mutual agreement,~~  
19 ~~then the provisions of Section 45028 of the Education Code~~  
20 ~~requiring a salary schedule based upon a uniform allowance for~~  
21 ~~years of training and years of experience shall apply. A salary~~  
22 ~~schedule established pursuant to this subdivision shall not result in~~  
23 ~~the reduction of the salary of any teacher.~~

24 ~~SEC. 9. Section 3543.9 is added to the Government Code, to~~  
25 ~~read:~~

26 ~~3543.9. To ensure the highest quality of health and welfare~~  
27 ~~benefits possible and to maximize cost efficiency, the Department~~  
28 ~~of Personnel Administration shall meet and confer with statewide~~  
29 ~~public school employee organizations to establish uniform health~~  
30 ~~and welfare benefits as defined by Section 53200 for all public~~  
31 ~~school employees. A public school employer shall provide its~~  
32 ~~public school employees the uniform health and welfare benefits~~  
33 ~~established pursuant to this section.~~

34 ~~SEC. 10.~~

35 ~~SEC. 8.~~ (a) It is the intent of the Legislature to establish  
36 professional development activities that reward exceptional  
37 teachers for continuing to render service in a classroom.

38 (b) (1) It is the intent of the Legislature that school districts and  
39 postsecondary educational institutions collaborate to develop and  
40 offer preparation and professional development programs that will

1 prepare highly qualified elementary and secondary school  
2 educational leaders, particularly school principals, in numbers  
3 sufficient to meet the needs of schools and school districts.

4 (2) It is the intent of the Legislature that school districts and  
5 postsecondary educational institutions collaborate to identify and  
6 recruit candidates to those preparation programs and to the  
7 educational leadership positions they serve.

8 (3) It is the intent of the Legislature that appropriate incentives  
9 be made available to attract well-qualified educational leaders to  
10 administrative positions in schools ranking in the lowest 3 deciles  
11 of the Academic Performance Index and to retain them in those  
12 schools.

13 (c) (1) It is the intent of the Legislature that the California State  
14 University and University of California develop and offer  
15 preparation and professional development programs for  
16 community college leadership, including the establishment of a  
17 center devoted to community college leadership development, that  
18 will prepare college leaders in numbers sufficient to meet the needs  
19 of colleges and districts. It is further the intent of the Legislature  
20 that the California State University and the University of  
21 California partner with the California Community Colleges in the  
22 development of those programs to ensure that they meet the needs  
23 of colleges and districts.

24 (2) It is the intent of the Legislature that the California  
25 Community Colleges improve the terms and conditions of  
26 administrative employment in community colleges, by providing  
27 a qualified administrator with the right to be reinstated to a  
28 permanent faculty position, as an incentive to attract outstanding  
29 professionals to community college leadership positions.

30 (d) (1) It is the intent of the Legislature that school districts and  
31 postsecondary educational institutions collaborate to develop and  
32 offer preparation and professional development programs that will  
33 prepare highly qualified counselors to provide academic,  
34 psychological, and career guidance to pupils and students, in  
35 numbers sufficient to meet the needs of California's schools and  
36 colleges.

37 (2) It is the intent of the Legislature that school districts and  
38 postsecondary educational institutions collaborate to identify and  
39 recruit candidates to those counseling preparation programs and to  
40 employment in the counseling profession.



~~SEC. 11.~~

SEC. 9. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

